

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: Z2004125 Twelve Oaks Estates II
S2004110

Meeting Date: May 4, 2006

Agenda Items: 1) 8
2) 9

Supervisor District: 4

Applicant: Carter & Burgess, Inc.

Property Owner: Peoria 180, L.L.C.

Requests: 1) Rezone from Rural-43 to R1-35
2) Preliminary Plat in the R1-35 zoning district

Proposed Use: 164-lot, 6-tract single-family residential subdivision
Residential

Site Location: West of Reems Rd. between Olive Ave. and Peoria Ave.
in the Glendale Area

Site Size: Approx. 171.91 gross acres

Density: 0.95 d.u./ac.

County Island Status: Class II (City of Glendale)

Summary of Conformance with Adopted Plans:

County Plan: The County Area Plan calls for Agricultural uses. The proposal is consistent with the plan.

City/Town Plan: The City of Glendale designates the site for Luke Compatible Land Uses. The proposed use is consistent with the City's plan in that Luke AFB has indicated that it is compatible with their operations.

Support/Opposition: None Known

Recommendations: 1) Approve with Stipulations
2) Approve with Stipulations

Description of Proposal:

1. The applicant seeks the approval of a zone change from Rural-43 to R1-35 with an associated preliminary plat for a 164-lot, 6-tract residential subdivision. The site is located on approx. 171.91 gross acres of fallow farm land south of Peoria Ave. and west of Reems Rd. in the west Glendale area. The proposed density is 0.95 d.u./a.c.
2. Primary ingress and egress to the site will be via 157th Ave. from Peoria Ave. The second access will be located at the Hatcher Rd. alignment connecting to Reems Rd. This proposed access road will cross the future Reems Rd. Channel that will be constructed by Flood Control District of Maricopa County. A temporary access road will be constructed at grade in accordance with Maricopa County requirements and will have all weather access. There will be no access to Olive Ave. due to the 50' right-of-entry (railroad right-of-way), fiber optic/communication easement that separates Twelve Oaks II and the existing right-of-way of Olive Ave.
3. There will be a 40' wide pedestrian greenway (Tract 'E') connecting Twelve Oaks Estates I and II. Residents of Twelve Oaks Estates II can access the "tot-lot" playground area in Twelve Oaks I. In addition, there will be a sidewalk pedestrian access along Ironwood Dr. A multi-modal painted crosswalk will be provided for safe crossing for pedestrians through the four-way intersection.
4. The site will have two (2) main local streets 158th Ln. and 156th Ln. located between the west border of the property and the opposing east site. These N/S streets are generally parallel. Stemming off in each direction will be eight (8) E/W roads, which will provide access to each of the lots. One (1) of these roads is a cul-de-sac which does not exceed the maximum length or the maximum number of lots served.
5. The interior streets that serve the individual lots will be 50' (w) with a paving cross-section of 25' consisting of 16' of pavement and 9' curb and gutter on either side of the pavement. There are no sidewalks for the interior streets. They will be constructed to a rural cross-section. The collector 157th Ave. access road will be 60' (w) with a paving cross-section of 30' consisting of 25' of pavement and 5' curb and gutter on either side of the pavement. Ironwood Dr. will be 50' (w) with a paving cross-section of 25' consisting of 16' of pavement and 9' curb and gutter. The collector, Hatcher Rd., will be 60' (w) with a paving cross-section of 30' (w).
6. The six (6) tracts within the subdivision provide utility, drainage or pedestrian access. Tracts "A" and "B" located south of Peoria Ave. are for utility and drainage purposes. Tract "C" will be used for pedestrian access as well as drainage. Tract "D" will be used for utility purposes, and Tract "E" is a 40' (w)

pedestrian access way connecting to the Twelve Oaks Estates I subdivision and Tract "F" will be used for utility purposes. There are no recreational amenities proposed for this site.

7. The perimeter wall will consist of cultured stone theme with the incorporation of columns also displaying the culture stone veneer. The size of the perimeter wall will be consistent with that of the neighboring development, creating a seamless transition between the two developments.
8. Generally, the lots within the subdivision will be rectangular with orientation such that the narrow end will be adjacent to the street frontage. Four (4) of these lots, however, front onto the aforementioned cul-de-sacs. The MCZO defines the front of the lot as that which is adjacent to the street and the rear of the lot is that which is most closely opposite the front.

Analysis of Conformance with Adopted Plans:

9. **Maricopa County "Eye to the Future 2020" Comprehensive Plan:** The Comprehensive Plan designates this site as lying within the White Tank/Grand Avenue Area Plan. The Comprehensive Plan also states that the site is located within the municipal planning area of the City of Glendale. Under this designation, the Comprehensive Plan indicates that we will take into account the Glendale General Plan as long as it has been updated in the last five years with input of Maricopa County residents.
10. **White Tank/Grand Avenue Area Plan:** The County Area Plan designates the site for Agriculture land uses. Uses allowed in the Agriculture designation include agricultural activities; certain agribusiness, commercial, and industrial activities if deemed compatible with the safety and noise hazards of Luke AFB; and residential densities up to one dwelling unit per acre (0-1 d.u./a.c.) In a letter dated January 5, 2005, a representative from Luke's Community Initiatives Team indicated that the proposed use is compatible with Luke AFB operations. Therefore, at 0.95 d.u./a.c., the proposal is consistent with the plan.
11. **City of Glendale General Plan:** This site is identified as being located within the City of Glendale Municipal Planning Area. Until recently, the City's plan had not been updated since 1989. This having been noted, the City's General Plan Update, entitled Glendale 2025 The Next Step, was approved by the Glendale City Council on May 28, 2002, with ratification by the voters on November 5, 2002.

Existing On-Site and Adjacent Zoning:

12. On-site: Rural-43
North: PAD-Greer Ranch (City of Surprise)

East: Rural-43 Airport Overlay Zone 4
South: Rural-43
West: Rural-43 and R1-35

Existing On-Site and Adjacent Land Use:

13. On-site: Agricultural (farm fields)
North: Arterial (Peoria Ave.), then residential (PAD Greer Ranch subdivision)
East: Agricultural farm fields, then arterial (Reems Rd.)
South: Arterial (Olive Ave.), then agricultural (farm fields)
West: Agricultural (farm fields) and residential (Twelve Oaks Estates I subdivision)

Area Land Use Analysis:

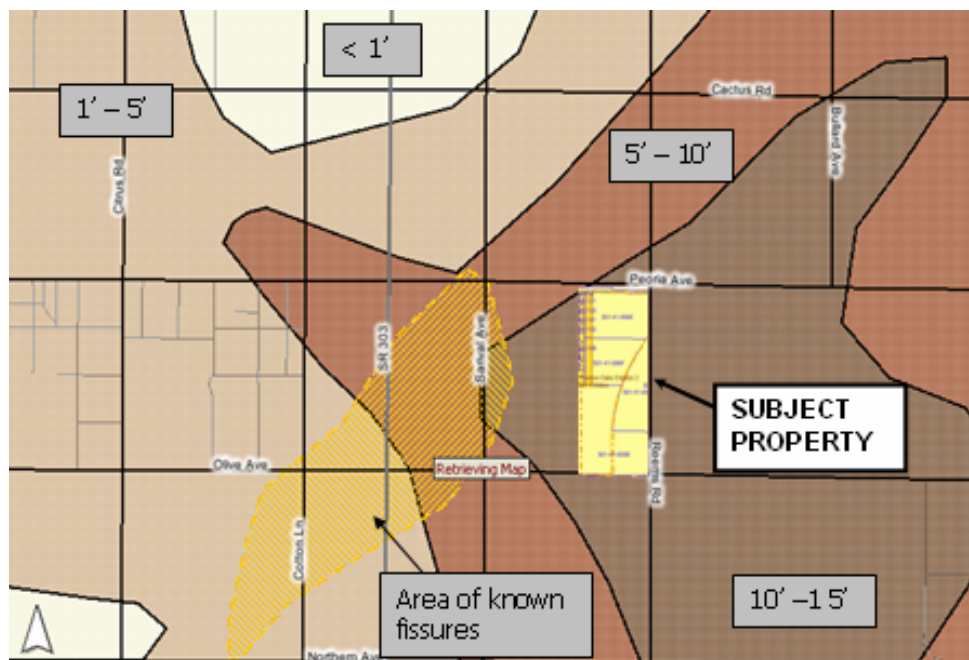
14. The subject site is located in an area that is primarily rural / agricultural in nature, with several hundred acres of active farmland in the vicinity. There is, however, some residential platting activity of suburban density occurring within the immediate area, namely Rancho Gabriela, which is a PAD development located within the City of Surprise. The site lies on the 65 LDN for Luke AFB. This contour forms the eastern boundary of the Twelve Oaks Estates II. While the subject property does not fall within this LDN, the property is located within the State-defined Territory in the Vicinity of a Military Airport making notification to this effect mandatory to potential homebuyers. The Falcon Dunes private golf course is located approx. 1 mile to the south.
15. The following 2005 aerial photograph shows the relationship of the subject property with surrounding land use:

[Air-photo on next page.]



16. The proposed development is in an area known to have had between 5' - 15' of land subsidence. This is a phenomenon that sometimes occurs when porous alluvial deposits are de-watered and the weight of the overlying material compresses the voids remaining between particles. Upon compression, alluvial deposits occupy less volume than was previously the case, causing the ground to sink under its own weight. Subsidence can be a significant cause for concern because it can change the slope of land, thus affecting drainage patterns and damaging infrastructure and buildings.

17. The subject site also borders an area known to have been subject to earth fissures. Earth fissuring occurs when the ground subsidence becomes so pronounced that cracks in the earth's crust develop. These cracks begin as small rivulets, but have a tendency to become quite large as erosion and continued subsidence create a deeper and wider fissure. Fissures can be the source of differential settling, which can cause damage to structures erected on the site.
18. The following map shows the relationship of the subject property to known areas of subsidence and earth fissures:



19. Subsidence can cause damage to structures due to differential settling of foundations, which may result in cracked walls and floors, jammed doors, etc. Further, the subsidence phenomena can cause damage to infrastructure such as cracks in asphalt or concrete, shifting of water and sewer main alignments and creating low areas in streets, gutters, and sidewalks, thus impeding or altering the proper flow of water. In extreme conditions, subsidence can cause earth fissures to open creating potentially unstable conditions especially in a mass grade situation. Many of these potentially damaging results may be alleviated through site and structural engineering techniques such as post-tension concrete slabs or fabric meshes covering existing fissures; however, it is usually preferable to avoid areas of active subsidence all together.
20. Staff would note that much of the aforementioned land subsidence was the result of excessive groundwater pumping to accommodate agricultural activities in the

area and that the rates of subsidence indicated in the above map occurred over the period of time between approx. 1957 and 1991. As much of the West Valley region is converted from agricultural use to residential, the intensity of ground water pumping should diminish, which should translate to a reduction of subsidence occurring in the area. This having been noted, conversations with the Arizona Department of Water Resources indicated that recent surveys done in the immediate area do indicate as much as 3-5 centimeters of subsidence within the past few years, depending upon the location of the particular survey monument. Further, while the rate of ground-water pumping has diminished in the immediate area, it is important to note that the reduction of ground water pumping is in response to previously active agricultural fields now lying fallow. This having been noted, ADWR stated that there will be a trend towards a slightly increased level of ground-water pumping as various water service providers increase their pumping to meet an increased residential demand, although this increased demand will not match that of the historical rate of pumping that occurred as a result of the agricultural activity.

Adjacent Road Status:

21. **Peoria Avenue:** Existing County maintained 2-lane paved E/W road. A total half-width of 65' right-of-way (ROW) will be dedicated as part of this development. Ultimate improvements within the ROW will include curb, gutter, sidewalk and paving to minimum County standards.
22. **Hatcher Road:** Proposed County maintained, 2-lane paved E/W collector road. A total full width ROW of 80' will be required. Ultimate improvements within the ROW will include curb, gutter, sidewalk and paving to minimum County standards.
23. **Olive Avenue:** County maintained, 2-lane, paved E/W arterial road with 70' of dedicated right-of-way (half-width). No additional road dedication or improvements will be required as part of this project.
24. **Reems Road:** County maintained, 2-lane paved N/S minor arterial with 65' of dedicated ROW and 37' of existing pavement from B/C to center-line. No additional road dedication or improvements will be required as part of this project.

Utilities and Services:

25. **Water:** Arizona-America Water Company
26. **Wastewater:** Septic
27. **Electricity:** Arizona Public Service (APS)

- 28. **Gas:** Southwest Gas Co.
- 29. **Cable:** Qwest Communications
- 30. **Phone:** Qwest Communications
- 31. **Fire Protection:** Rural/Metro Fire Department
- 32. **Police Protection:** Maricopa County Sheriff's Office (MCSO)
- 33. **Schools:** Dysart Unified School District
- 34. **Irrigation:** Maricopa Water District (MWD, HOA Point of Contact)
- 35. **Refuse Collection:** Private (contractor not specified)

Background:

- 36. **November 6, 2003:** The Commission approved Twelve Oaks I, a Preliminary Plat in the R1-35 RUPD zoning district. This plat involves approximately 147.78 acres, located at the southeast corner of Peoria Avenue and Sarival Avenue. Approval was subject to the following stipulations:
 - a. Development of the site shall be consistent with the preliminary plat entitled "Preliminary Plat for Twelve Oaks Estates", consisting of three (3) full-size sheets, dated September 01, 2003, stamped by the engineer October 2, 2003, and stamped received October 2, 2003, except as modified by the following stipulations.
 - b. Development of the site shall comply with the narrative report entitled "Narrative Report Twelve Oaks Estates", consisting of four (4) pages stamped received September 11, 2003, except as modified by the following stipulations.
 - c. Concurrent with the submittal of a final plat for any portion or phase of this development, final infrastructure plans, including a final landscape plan, is to be submitted to the One Stop Shop for review and approval, said approval to occur prior to the recordation of any final plats for this subdivision.
 - d. After final plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
 - e. Prior to final plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence and earth fissures which affect the site. Said report shall include suggested

mitigation of the land subsidence and earth fissures, with those measures being implemented during the design and construction phases of the project. The final plat shall contain a note that the property is within an area known to have historical land subsidence and earth fissures. Further, such notice shall be placed within the covenants, conditions and restrictions, and within the Public Report

- f. The final plat shall include dedication of right-of-way as required by the related zone change request (Z2003022) and as deemed necessary by the Maricopa County Department of Transportation unless the required dedication has been completed by deed of dedication prior to the final plat approval.
- g. The applicant shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- h. All roads shall meet minimum County standards.
- i. Prior to final plat approval, the developer shall send a certified letter to the owner of the property located immediately south of the subject property that said property owner may be required to dedicate 60' of the mid-section line alignment and that said property owner is aware that he may be required to make all improvements associated with the development of the mid-section line road.
- j. Prior to final plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site. This information shall be included in the narrative report for the final plat and the associated public report for the subdivision. The final plat shall contain a note referencing the will serve letter.
- k. Consistent with ARS 28-8484(A), written notification shall be provided to all future homeowners that they are located within THE STATE-DEFINED TERRITORY IN THE VICINITY OF A MILITARY AIRPORT and may be subject to loud noise and overflights from military aircraft. Such notification shall be recorded on all final plats, be permanently posted on not less than an 8.5" x 11" size sign on a conspicuous location of the front door of the home sales office(s) and each model home(s), and shall be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- l. Preliminary plat approval shall expire one (1) year from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date in accordance with Article II, Section 202 of the Subdivision Regulations.
 - m. Prior to final plat approval, the developer and/or applicant shall obtain a variance form the Flood Control District to allow on-site retention for lots less than one (1) acre.
- 37. **December 3, 2003:** The Board of Supervisors (BOS) approved a rezone from Rural-43 to R1-35 RUPD (133.41 acres), and from Rural-43 to C-1 PD (14.37 acres) for Twelve Oak Estates I. This site involves approximately 147.78 acres, located at the southeast corner of Peoria Avenue and Sarival Avenue. Approval was subject to the following stipulations:
 - a. Development of the site shall be consistent with the zoning exhibit entitled "Zoning Change Site Plan for Twelve Oaks Estates", consisting of one (1) full-size sheet, dated September 1, 2003, stamped by the engineer October 1, 2003, and stamped received October 2, 2003, except as modified by the following stipulations.
 - b. Development of the site shall comply with the narrative report entitled "Narrative Report Twelve Oaks Estates", consisting of four (4) pages stamped received September 11, 2003, except as modified by the following stipulations.
 - c. Dedication of additional rights-of-way to bring the total half-width dedication to 65 feet for Peoria Avenue and Sarival Avenue shall occur prior to zoning clearance. All interior streets within the proposed development are to be constructed to minimum County standards.
 - d. Prior to the development of the commercial portion of the site, the developer shall submit a Plan of Development for review, with final approval of the Plan of Development by the Board of Supervisors, following recommendation by the Planning and Zoning Commission. Development on this commercial property shall abide by the zoning standards set forth in the C-1 zoning district but shall otherwise be subject to the following additional requirements:
 - i. A landscape buffer shall be provided adjacent to the residential portion of the property. Said buffer shall include a series of trees capable of Page 2 providing a canopy sufficient to effectively screen the commercial buildings from the residential property. Said trees shall be spaced a maximum of 20 feet on center and

shall be a minimum of 24-inch box when planted. All plants contained within the landscaping of the commercial site shall be from the Arizona Department of Water Resources - Desert Guide - Drought Tolerant / Low Water Use Plant List - Phoenix AMA and shall be maintained by the owner of the commercial property in perpetuity.

- ii. The developer shall employ "360-degree architecture" to any commercial buildings constructed on site. Architectural features such as repeating design elements, variations of color and texture, variations in building height, projections and recessions from the building plane, internalization of scuppers and downspouts, screening of loading and loading areas, trash bins, AC units, and electrical panels, etc. shall be incorporated in the design of the commercial buildings.
- e. The applicant shall comply with all applicable federal, state and local laws regarding historic preservation and endangered species habitat loss mitigation.
- f. Consistent with ARS 28-8484(A), written notification shall be provided to all future homeowners that they are located within THE STATE-DEFINED TERRITORY IN THE VICINITY OF A MILITARY AIRPORT and may be subject to loud noise and overflights from military aircraft. Such notification shall be recorded on all final plats, be permanently posted on not less than an 8.5" x 11" size sign on a conspicuous location of the front door of the home sales office(s) and each model home(s), and shall be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.
- g. All habitable buildings constructed within this subdivision shall be constructed to attain a 25-decibel noise reduction as required by ARS 28-8482(B).
- h. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a "will-serve" letter substantiating coverage from the appropriate Fire Department servicing the site.
- i. Major changes to this zoning exhibit and narrative report, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors, following recommendation by staff, as well as the Planning and Zoning Commission.

Minor changes to the Plan of Development may be administratively approved by the staff of the Planning and Development Department.

- j. Non-compliance with this zoning exhibit and narrative report, or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- k. A precise Plan of Development shall be approved for the commercial parcel within five years of C-1 P.D. zoning approval by the Board of Supervisors or the Planning and Zoning Commission may take action to revert the zoning to Rural-43 in accordance with the Maricopa County Zoning Ordinance.

38. There is no case history specific to the subject site of Twelve Oaks Estates I.

Several years earlier there was a project entitled "Desert Rose Gardens" that covered a much larger area, including territory within the high noise contour of Luke AFB. Staff was not supportive of any increased zoning entitlement that included territory within the noise contour that could adversely impact the ongoing operations and national security mission of Luke AFB. The Desert Rose Gardens proposal was withdrawn.

Reviewing Agencies: (This request was reviewed at the TAC meeting of January 4, 2005.)

- 39. **Department of Transportation (MCDOT):** No objection subject (see attached memo)
- 39. **Environmental Services Department (MCESD):** No objection (see attached memo)
- 40. **Drainage Review:** No objection, subject to the following stipulations before final plat approval: (see the attached memo)

FINAL DRAINAGE REPORT-OFFSITE CONDITIONS

- Peoria Avenue, sixth sentence – Please provide a drainage easement for the offsite channel that legally describes the area, approval by the property owner, record said agreements, and submit a copy of the recorded agreements to us.
- Discuss offsite flows entering the lower western boundary of the subdivision realizing a significant portion of the Sarival flow of 257 cfs will enter this site without commingling with onsite flows.

FINAL DRAINAGE REPORT-ONSITE CONDITIONS

- Submit an approval letter from MWD agreeing to supply irrigation water for 100 years.

FINAL DRAINAGE REPORT-FLOOD LIMITS

- Olive Avenue, third paragraph – Demonstrate with an analysis that the perimeter block wall does not adversely affect the adjacent property by diverting flows on the south side of Olive Avenue versa the present existing condition using a HEC-RAS analysis that delineates the floodplains and floodways for both conditions.
- Peoria Avenue Channel, second sentence – State who has built a channel on the north side of the Peoria Avenue to convey the remaining 820 cfs flow along Peoria Avenue.
- Peoria Avenue Channel, fifth sentence – Please provide a drainage easement for the offsite channel that legally describes the area, approval by the property owner, record said agreements, and submit a copy of the recorded agreements to us.
- Peoria Avenue Channel, fifth sentence – Determine the required number of drywells to ensure this channel is dewatered within 36 hours.

FINAL DRAINAGE-SUMMARY AND CONCLUSIONS

- Third bullet – State who has built a channel on the north side of the Peoria Avenue to convey the remaining 820 cfs flow along Peoria Avenue.

41. **Flood Control District:** No objection, subject to the following stipulations: (see the attached memo)

- A Floodplain Use permit will be required from the Regulatory Division of the Flood Control District prior to any work within the floodplain.
- A Right-of-way Use Permit will be required from the Contracts Branch of the Flood Control District prior to any work within land owned by the Flood Control District.
- Floodplain Use Permit and a Right-of-way Permit be obtained prior to approval of the Final Plat.

42. **Luke Space Air Force Base (LAFB):** LAFB has responded to this request via a letter dated January 5, 2005 (attached). In summary, LAFB has indicated that Luke AFB follow the guidelines in the Graduated Density Concept (GDC). The GDC proposes, in the absence of more restrictive state, county or municipal general or comprehensive plan, graduating densities away from the 65 Ldn follows: a maximum of 2 du/ac from 1 to 3 miles. Twelve Oaks Estates II falls within these guidelines. Since Twelve Oaks Estates II will be located within the "territory of the vicinity of a military airport," they be subjected to high noise and approximately 170 over flights per day. LAFB recommended review of the sound attenuation

requirements in ARS § 28-8461. LAFB recommends aggressive notification program on the part of the applicant and/or to inform potential residents and tenants about Luke AFB operation. .

43. **City of Glendale:** The City has responded to this request via a letter dated January 10, 2005 (attached). In summary, the City has indicated that the site is within the Glendale strip annex area, 208 Water and Sewer Plan, municipal planning area, and the General plan. The proposed density is consistent with the Glendale General Plan.
44. **State Historic Preservation Office (SHPO):** SHPO has responded to this request via a letter dated January 5, 2005. In summary, SHPO is not opposed to the request and indicates a finding of "no historic properties affected" is appropriate for this site.
45. **Other:** City of Surprise, City of El Mirage, West Valley Alliance, Maricopa Water District, Maricopa County Department of Emergency Management, State of Arizona Office of the Attorney General, Dysart Unified School District, Rural/Metro Fire Department were also included in the routing for this case. To date, no responses have been received from these agencies in specific regard to the subject case.

Discussion and Evaluation:

46. The applicant seeks the approval of a zone change from Rural-43 to R1-35 with an associated preliminary plat for a 164-lot, 6-tract residential subdivision with a density of 0.95 d.u./ac. The site is located on approx. 171.97 gross acres of fallow farm land south of Peoria Ave. and west of Reems Rd. in the west Glendale area.
47. Originally, the application included 4.06 acres to be rezoned C-1 PD, however, the Comprehensive Plan of Maricopa County does not support commercial development in areas in which an on-site septic system is used for sewage disposal. Therefore, staff persuaded the applicant to exclude the commercial portion from the proposal and he is now seeking approval just for preliminary plat and the rezoning from Rural-43 to R-1-35. The rezoning of the commercial portion will be part of a complete separately application when the applicant can provide assurance that sewer system is in place.
48. This subdivision proposes the construction of the secondary access, Hatcher Rd., which will connect to Reems Rd. The Flood Control District will construct a retention basin and channel after the access road is constructed. Therefore, the developer proposes to construct a temporary access road in accordance with MCDOT requirements. Upon the final plat approval, the developer will dedicate this access road as public right-of-way. Although, there is an assurance from the property owner that this temporary access will meet Maricopa County requirements and the culvert costs will be split between the developer and the

Flood Control District, it is a concern of staff that it might be some overlapping time between the construction of both projects and the access road will not meet Maricopa County requirements at least on a temporary basis.

Public Participation:

49. The applicant engaged in a public participation program and submitted signed affidavits attesting that the site was posted in accordance with the MCZO for both the Public Participation elements and the actual hearing dates. Notices were mailed by the applicant to all property owners within 300' of the subject site as part of the Public Participation. Similarly, notices were also mailed by staff relative to the hearing dates. Staff has not received any opposition to the request.

Recommendations: (Z2004125 and S2004110)

50. Staff recommends approval to **Z2004125** for the following reasons:

- The proposed use is consistent with the land use designation County Area Plan.
- The primary reviewing agencies have no objection, and Luke AFB has no objection.

Subject to the following stipulations:

- a. Development and use of the site shall comply with the preliminary plat/zone change exhibit entitled "Twelve Oaks Estates II Preliminary Plat and Zoning Exhibit", consisting of eleven (11) full-size sheets prepared by Carter Burgess dated March 3, 2006, stamped by the Civil Engineer March 22, 2006, and stamped received March 28, 2006, except as modified by the following stipulations.
- b. Development and use of the site shall be generally consistent with the project narrative entitled "Twelve Oaks Estates II Zoning/Preliminary Plat-Narrative", consisting of six (6) pages plus exhibits, prepared by Carter Burgess, dated revised March 21, 2006, and stamped received March 28, 2006, except as modified by the following stipulations.
- c. All trees shall be double-staked when installed.
- d. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.

- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- f. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office (SHPO) prior to issuance of a Grading Permit or approval of a Final Plat. The applicant must contact (SPHO) the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- g. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - Provide a total half-width of 65' right-of-way on Peoria Ave.
 - Coordinate with MCDOT Planning Division regarding developer contribution to regional transportation infrastructure. Developer shall contribute \$3,281.00 per dwelling unit.
 - Update Traffic Impact Study (TIS) from original Twelve Oaks Development to include "Twelve Oaks Estates II". Development must comply with all recommendations in MCDOT approved TIS.
- h. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- i. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- j. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning

and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

51. Staff recommends an approval of case **S2004110** for the following reasons:

- The proposal is in compliance with the applicable Maricopa County Subdivision Regulations.
- The proposed use is consistent with the County Area Plan for that area.
- The primary reviewing agencies have no objection

Subject to the following stipulations:

- a. Development and use of the site shall comply with the preliminary plat/zone change exhibit entitled "Twelve Oaks Estates II Preliminary Plat and Zoning Exhibit", consisting of eleven (11) full-size sheets prepared by Carter Burges Co, dated March 3, 2006, stamped by the Civil Engineer March 22, 2006, and stamped received March 28, 2006, except as modified by the following stipulations.
- b. Development and use of the site shall be generally consistent with the project narrative entitled "Twelve Oaks Estates II Zoning/Preliminary Plat-Narrative", consisting of six (6) pages plus exhibits, prepared by Carter Burgess, dated revised March 21, 2006, and stamped received March 28, 2006, except as modified by the following stipulations
- c. An amenity package (narrative and exhibits), including but not limited to landscaping, recreational facilities, community facilities, signage and monumentation, etc. shall be submitted with the final plat for review and approval by the Planning and Zoning Division prior to Final Plat approval. The Final Plat must be approved and recorded prior to submittal of any applications to construct landscape improvements or other amenities.
- d. Prior to Final Plat submittal, the applicant is required to attend a pre-submittal meeting with Development Services staff in order to coordinate the permitting process for on-site and off-site improvements associated with this project.
- e. Concurrent with submittal of final plat, Improvement Plans shall be submitted to the Planning and Development Department.
- f. After final plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.

- g. Prior to final plat approval, Water and Sewer Plans shall be submitted to and approved by the Maricopa County of Environmental Services Department (MCESD).
- h. The following Drainage stipulations shall apply:

FINAL DRAINAGE REPORT-OFFSITE CONDITIONS

- Peoria Avenue, sixth sentence – Please provide a drainage easement for the offsite channel that legally describes the area, approval by the property owner, record said agreements, and submit a copy of the recorded agreements to us.
- Discuss offsite flows entering the lower western boundary of the subdivision realizing a significant portion of the Sarival flow of 257 cfs will enter this site without commingling with onsite flows.

FINAL DRAINAGE REPORT- ONSITE CONDITIONS

- Submit an approval letter from MWD agreeing to supply irrigation water for 100 years.

FINAL DRAINAGE REPORT- FLOOD LIMITS

- Olive Avenue, third paragraph – Demonstrate with an analysis that the perimeter block wall does not adversely affect the adjacent property by diverting flows on the south side of Olive Avenue versa the present existing condition using a HEC-RAS analysis that delineates the floodplains and floodways for both conditions.
- Peoria Avenue Channel, second sentence – State who has built a channel on the north side of the Peoria Avenue to convey the remaining 820 cfs flow along Peoria Avenue.
- Peoria Avenue Channel, fifth sentence – Please provide a drainage easement for the offsite channel that legally describes the area, approval by the property owner, record said agreements, and submit a copy of the recorded agreements to us.
- Peoria Avenue Channel, fifth sentence – Determine the required number of drywells to ensure this channel is dewatered within 36 hours.

SUMMARY AND CONCLUSIONS

- Third bullet – State who has built a channel on the north side of the Peoria Avenue to convey the remaining 820 cfs flow along Peoria Avenue.

- i. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - Specific roadway cross-sections and pavement sections are not approved as shown on the preliminary plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the final plat, in compliance with the Traffic Impact Statement (TIS) approved by the MCDOT. Cross-sections are shown on the preliminary plat for informational purposes.
- j. The applicant shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- k. The following Maricopa Flood Control District stipulations shall apply:
 - A Floodplain Use permit will be required from the Regulatory Division of the Flood Control District prior to any work within the floodplain.
 - A Right-of-way Use Permit will be required from the Contracts Branch of the Flood Control District prior to any work within land owned by the Flood Control District.
 - Floodplain Use Permit and a Right-of-way Permit be obtained prior to approval of the Final Plat.
- l. Prior to final plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site. This information shall be included in the narrative report for the final plat and the associated public report for the subdivision. The final plat shall contain a note referencing the will serve letter.
- m. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit or approval of a Final Plat. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- n. Preliminary plat approval shall expire one (1) year from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date in accordance with Article II, Section 202 of the Subdivision Regulations.

gv

Attachments:

Case maps (2 pages)
Vicinity maps (2 pages)
Preliminary plat (8-1/2" x 11" reduction, 11 pages)
Narrative Report (excerpt, 8 pages)
MCDOT comments (memos, total 2 pages)
MCESD comments (memo, 1 page)
Drainage Review comments (memo, 2 pages)
Flood Control District comments (memo, total 2 pages)
LAFB comments (letter, 2 pages)
City of Glendale (letter, 1 page)
SHPO comments (letter, 1 page)
Comprehensive Planning comments (memo, 2 pages)

Enclosure:

Preliminary Plat (11"X17" reductions, 11 sheets)

[Full-size plans are available for review upon request]